

**Kennebunkport Planning Board
May 2nd, 2011 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, May 2nd, 2011. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. David Kling (Chair), Leo Famolare, Gordon Ayer, John Hathaway, Greg Reid, Peter Fellenz

Approval of Minutes: A motion was made to approve the minutes from the April 18th, 2011 Planning Board meeting. The motion was seconded and the vote was unanimous.

Items:

1) ~~CDMK, LLC Properties/ Mitchell & Associates, Authorized Agent – Continued Public Hearing~~
~~for re-approval of an original approval of Subdivision and Multiplex consisting of 2 multi family unit lots totaling 12 dwelling units and 34 duplex lots for a total of 80 dwelling units, located between North Street and School Street. There will be no changes to the original approval and the Applicant is only looking for an extension of the original approvals. [49 & 51 North Street, Tax Assessor's Map 12, Block 005, Lots 21, 21A & 22 in the Village Residential & Free Enterprise Zones]~~ **Continued to May 16, 2012 at the request of the Applicant.**

2) 100401 Town of Kennebunkport / Government Wharf – Site Plan Review – Initial Review – for approval to replace the existing bait house (1,136 square feet) and wharf (36'x36') with a new bait house (1,440 square feet) and new wharf (36'x40') [7 Josiah Curtis Lane, identified as Assessor's Tax Map 08, Block 001, Lot 08 in the Riverfront, Shoreland and Resource Protection Zones.]

Mr. Kling introduced the Agenda item stating this is effectively a re-approval.

Mr. Larry Mead, Town Manager addressed the Board stating it has been almost 2 years to the day since this project was first approved. This Application is for a renovation of the Government Wharf including portions of the pier itself, the decking and the structure to be completely replaced, Mr. Mead stated adding this is exactly the same project as first approved by the Board. Mr. Mead explained the necessary funding for this project was not granted and will re-apply to the State this summer.

Mr. Kling asked if the Town has applied for an update on their DEP permit and when their approval will expire. Mr. Mead replied the DEP permit is currently in place but will need an extension by this summer. Mr. Mead added he would notify the DEP and the Army Corps of Engineers of any extensions of time on the project.

Mr. Reid asked if there was any consideration given to putting in a public bathroom at the wharf. Mr. Mead stated there are no plans to install any restroom facilities because there were some significant additional expenses to getting the sewer to that location. Mr. Reid stated his opinion that it is a mistake not to put a public restroom there since it is not far from the sewer lines. Mr. Kling asked if there was anything that would preclude installing a restroom assuming the funds were available. Mr. Mead responded the size of the building would need to change to accommodate a handicapped accessible restroom. Mr. Mead also mentioned that the room would need to be cleaned daily as it will be used by the commercial fishermen and the general public.

Mr. Ayer asked Mr. Mead to describe the materials to be used for the exterior of the building. Mr. Mead replied it will have shingle siding but have not decided yet whether the roof will be metal or asphalt. Mr. Ayer asked how much higher the new building would be as compared to the current building. Mr. Mead responded the new structure will be 3 feet higher to move it above the flood elevation.

Mr. Hathaway made a motion to find the Application complete. Mr. Ayer seconded the vote. The motion passed. Mr. Reid abstained from voting. The Public Hearing will be held in on May 16th, 2012.

Other Business:

Jennison Oaks Subdivision, approval to transfer rights to construct an approved project. [Route 9, Tax Map 37, Block 005, Lot 05 in the Goose Rocks Zone.]

Mr. Ayer abstained from this review.

Attorney Ralph Austin addressed the Board representing Seaport Development Group who has entered into a Purchase and Sale Agreement with R. Smaldone, Inc. Mr. Austin stated this project was approved by the Planning Board in 2005 and the entire infrastructure is complete except for a finished coat on the subdivision road. Mr. Austin explained that 2 lots have sold, one of which has been built on leaving 3 lots remaining to be sold. Mr. Austin acknowledged he has met with the Code Enforcement Officer Brian Shaw who has stated in Mr. Shaw's opinion the subdivision was substantially complete, the bond has been released, and saw no reason to appear before the Planning Board to ask for approval on the transfer rights. With the transfer of rights, Mr. Austin explained that Seaport Development has agreed that they would still be responsible for putting on the final coat of paving.

Mr. Kling asked if the top coating was included in the original performance bond. Mr. Austin replied that usually it is but had not reviewed the bond personally so he did not know if that was included in the amount.

Mr. Austin suggested to the Board that his client open and escrow account in the amount of \$20,000 to cover the cost of finishing the road as an assurance to the Town.

Mr. Kling made a motion to agree to the change of ownership with the condition that an escrow account be created in favor of the town with not less than \$10,000 from the sale of each of the first 2 lots and provided that Brian Shaw validates the total of \$20,000 is adequate to cover the cost of finishing the subdivision road in accordance with all town rules and regulations. Mr. Hathaway seconded the motion and the vote was unanimous.

Discussion regarding Subdivision Regulations:

- conforming the SDRs to changes in the LUO - in particular definitions
- conforming SDRs to the latest version of SMRPCs model subdivision regs.
- updating Article 9 on fees for major and minor subdivision revisions
- amending Article 13 on performance bonds to reflect what is hopefully a more logical approach.

Mr. Kling reviewed and explained each item in the Subdivision Regulations that contained revisions, omissions, additions, and/or changes with the Board members. Mr. Kling noted that Mr. Werner Gillian had not had a chance to review these items and would provide any comments to the Board at a later date.

Adjournment: A motion was made to adjourn, it was seconded and the vote was unanimous.

Submitted by: Patricia Saunders, Planning Board Recording Secretary